

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0635.01 Yelana Love x2295

HOUSE BILL 23-1104

HOUSE SPONSORSHIP

Frizell,

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A POSTPONEMENT OF THE IMPLEMENTATION OF THE**
102 **STATE'S PAID FAMILY AND MEDICAL LEAVE INSURANCE**
103 **PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

On January 1, 2024, the statewide paid family and medical leave insurance program will begin allowing covered individuals to take paid family and medical leave for qualifying reasons. The bill postpones the implementation of this program for one year, to January 1, 2025.

The bill requires the division of paid family and medical leave

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

insurance to credit employers for premiums paid between January 1, 2023, and March 1, 2023, as an offset against premiums owed starting January 1, 2024.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 8-13.3-504, **amend**
3 the introductory portion as follows:

4 **8-13.3-504. Eligibility.** Beginning ~~January 1, 2024~~ JANUARY 1,
5 2025, an individual has the right to take paid family and medical leave,
6 and to receive family and medical leave insurance benefits while taking
7 paid family and medical leave, if the individual:

8 **SECTION 2.** In Colorado Revised Statutes, 8-13.3-506, **amend**
9 (1)(b) as follows:

10 **8-13.3-506. Amount of benefits.** (1) The amount of family and
11 medical leave insurance benefits shall be determined as follows:

12 (b) The maximum weekly benefit is ~~90~~ NINETY percent of the state
13 average weekly wage; except that for paid family and medical leave
14 beginning before ~~January 1, 2025~~ JANUARY 1, 2026, the maximum weekly
15 benefit is ~~1,100~~ ONE THOUSAND ONE HUNDRED dollars.

16 **SECTION 3.** In Colorado Revised Statutes, 8-13.3-507, **amend**
17 (2) and (3) as follows:

18 **8-13.3-507. Premiums.** (2) (a) Notwithstanding the advance
19 payment of premiums set forth in section 8-13.3-518 (4)(a), beginning on
20 January 1, 2023, THROUGH MARCH 31, 2023, for each employee, an
21 employer shall remit to the fund ~~established under section 8-13.3-518~~
22 premiums in the form and manner determined by the division.

23 (b) THE DIVISION SHALL CREDIT THE PREMIUMS REMITTED BY AN
24 EMPLOYER TO THE FUND PURSUANT TO SUBSECTION (2)(a) OF THIS

1 SECTION AS AN OFFSET AGAINST THE AMOUNT OF PREMIUMS THE
2 EMPLOYER OWES BEGINNING JANUARY 1, 2024.

3 (3) (a) From January 1, 2023, ~~through December 31, 2024~~
4 THROUGH MARCH 31, 2023, AND FROM JANUARY 1, 2024, THROUGH
5 DECEMBER 31, 2025, the premium amount is nine-tenths of one percent
6 of wages per employee.

7 (b) For the ~~2025~~ 2026 calendar year, and each calendar year
8 thereafter, the director shall set the premium based on a percent of
9 employee wages and at the rate necessary to obtain a total amount of
10 premium contributions equal to one hundred thirty-five percent of the
11 benefits paid during the immediately preceding calendar year plus an
12 amount equal to one hundred percent of the cost of administration of the
13 payment of those benefits during the immediately preceding calendar
14 year, less the amount of net assets remaining in the fund as of December
15 31 of the immediately preceding calendar year. The premium shall not
16 exceed one and two-tenths of a ONE percent of wages per employee. The
17 division shall provide public notice in advance of January ~~first~~ 1 OF EACH
18 CALENDAR YEAR of any changes to the premium.

19 **SECTION 4.** In Colorado Revised Statutes, 8-13.3-516, **amend**
20 (1) as follows:

21 **8-13.3-516. Family and medical leave insurance program.**

22 (1) By January 1, 2023, the division shall establish and administer a
23 family and medical leave insurance program and begin collecting
24 premiums as specified in this part 5. By ~~January 1, 2024~~ JANUARY 1,
25 2025, the division shall start receiving claims from and paying family and
26 medical leave insurance benefits to covered individuals.

27 **SECTION 5.** In Colorado Revised Statutes, 8-13.3-518, **amend**

1 (3)(b) and (4)(b)(II) as follows:

2 **8-13.3-518. Family and medical leave insurance fund -**
3 **establishment and investment - repeal.** (3) (b) No later than ~~December~~
4 ~~31, 2023~~ DECEMBER 31, 2024, the division shall repay the loan of one
5 million five hundred thousand dollars received pursuant to subsection
6 (3)(a) of this section and accumulated interest from the fund. Interest
7 accrues on the money borrowed at a rate equivalent to the rate per annum
8 on the most recently issued ten-year United States treasury note, rounded
9 to the nearest one-tenth of one percent, as reported by the "Wall Street
10 Journal", as of the date the transfer required by subsection (3)(a) of this
11 section is made. Interest accrues at the rate specified in this subsection
12 (3)(b) beginning on that date, until the date on which the money is repaid.

13 (4) (b) (II) On ~~July 1, 2023~~ JULY 1, 2024, and on July 1 of each
14 year thereafter, the executive director of the department of labor and
15 employment shall submit a report of the amount of remaining credit the
16 state can receive for premiums it is required to pay to the executive
17 director of the department of personnel, the state treasurer, the director of
18 the office of state planning and budgeting, and the joint budget
19 committee.

20 **SECTION 6.** In Colorado Revised Statutes, **amend** 8-13.3-519
21 as follows:

22 **8-13.3-519. Reports.** Notwithstanding section 24-1-136
23 (11)(a)(I), beginning ~~January 1, 2025~~ JANUARY 1, 2026, the division shall
24 submit a report to the legislature by April 1 of each year that includes, but
25 is not limited to, projected and actual program participation by section
26 8-13.3-504 (2) purpose, gender of beneficiary, average weekly wage of
27 beneficiary, other demographics of beneficiary as determined by the

1 division, premium rates, fund balances, outreach efforts, and, for leaves
2 taken under section 8-13.3-504 (2)(b), family members for whom leave
3 was taken to provide care.

4 **SECTION 7. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety.